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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,623	12/01/2003	Michael M. Kamrava	5603P001X2	4992

8791 7590 05/04/2007  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER
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NGUYEN, CAMTU TRAN.

ART UNIT	PAPER NUMBER
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3772

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/725,623

Applicant(s)

KAMRAVA

Examiner

Camtu T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/26/2004, 2/24/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election***

Applicant's election without traverse of Group I, claims 1-18, in the reply filed on April 18, 2007, is acknowledged.

Claims 19-25 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Weaver et al (U.S. Patent No. 5,788,681). Weaver et al discloses an endoscopic catheter (10) comprising elements as recited in claim 1 including a distal end (12) having a sharp bevel. Weaver et al further discloses the catheter (10) having a reduced diameter distal tip portion, rendering a tapered portion at the distal end of catheter (10). With regards to the first axis of symmetry and the second axis of symmetry, as recited, the Weaver et al also discloses the catheter (10) employed are extrusions of a resin comprised of nylon and PEBA and also may be extruded from polyurethane, which would inherently capable of forming a deflection angle.

The introductory statement of intended use and all of the functional statements have been carefully considered but deemed not to impose any structural limitations on the claims distinguishable over the Weaver et al in the sense of 35 USC 102 which is capable of being used as set forth in the claims above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al (U.S. Patent No. 5,788,681). Weaver et al discloses an endoscopic catheter (10) comprising elements as recited in claims but does not teach the first axis of symmetry and the second axis of symmetry differs by the deflection angle, as recited. With regards to claims 27 and 28, the Weaver et al device discloses in Figure 3a one embodiment having lumen (32) which exits through beveled portion of distal tip having a diameter of about 0.05 mm (50 micrometers), see column 8 lines 20-23), while Weaver et al also discloses the same Figure may be useful for another application wherein lumen (32) preferably has a diameter of about 0.040 inches (1,016 micrometers), see column 10 lines 64-66, yet Figure 11 and 12 illustrating another embodiment having lumen 48a exiting through the beveled portion of distal tip having a diameter of 0.050 inches (1,270 micrometers), thereby, the Weaver et al discloses a variety of diameter sizes.

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Therefore it would have been obvious to one of ordinary skilled in the art to fabricate the diameter of the tip catering to the specific application with a specific tip diameter size.

Claims 1-8, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellman (U.S. Patent No. 5,057,083) and further in view of Sloan, Jr. et al (U.S. Patent No. 5,397,512). Gellman discloses in Figure 7 a dilator (16) comprising a beveled distal end (22), the dilator (16) is formed from a lubricious plastic material such as polyethelene (column 3 lines 13-16), the beveled portion inherently produces a shorter body length and a longer body length but does not teach the longer tool body length is beveled in an opposite second direction, as recited. Sloan, Jr. et al discloses in Figure 2 catheter (10) comprising catheter tip (4), the tip (4) is provided with a bevel (6), such bevel (6) is formed  $\beta$  angle. Therefore it would have been obvious to one skilled in the art to modify Gellman's beveled distal tip such that the longer body (26) length is beveled in the opposite second direction as taught by Sloan, Jr. et al for the purposes of facilitating a smoother transition when inserting into the user.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellman (U.S. Patent No. 5,057,083), modified by Sloan, Jr. et al (U.S. Patent No. 5,397,512) as applied to claim 1 above, and further in view of Weaver et al (U.S. Patent No. 5,788,681). Gellman discloses in Figure 7 a dilator (16) comprising elements as recited in these claims but does not teach the inner diameter of the tip is between approximately 400 and 500  $\mu\text{m}$  (micrometers). Weaver et al device discloses in Figure 3a one embodiment having lumen (32) which exits through beveled portion of distal tip having a diameter of about 0.05 mm (50 micrometers), see column 8 lines 20-23), while Weaver et al also discloses the same Figure may be useful for another application wherein lumen (32) preferably has a diameter of about 0.040

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inches (1,016 micrometers), see column 10 lines 64-66, yet Figure 11 and 12 illustrating another embodiment having lumen 48a exiting through the beveled portion of distal tip having a diameter of 0.050 inches (1,270 micrometers), thereby, the Weaver et al discloses a variety of diameter sizes. Therefore it would have been obvious to one of ordinary skilled in the art to fabricate the diameter of the tip catering to the specific application with a specific tip diameter size.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Camtu Nguyen

April 15, 2007

*Patricia Bianco*  
PATRICIA BIANCO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

*4-30-07*